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Item 6 of the provisional agenda

OTHER HUMAN RIGHTS ISSUES

Written statement* by the Association for World Education, a non-governmental organization on the Roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[8 July 2002]

*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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TERRORISM AND HUMAN RIGHTS

1. The Association for World Education warmly welcomed Resolution 2001/18. Terrorism and Human Rights, and the ongoing work of the Special Rapporteur, Ms. Kalliopi Koufa.

2. Fully "*Convinced* that terrorism, in all its forms and manifestations, wherever and by whomever committed, can never be justified in any instance, including as a means to promote and protect human rights," the Association for World Education is making available to the Sub-Commission and to the Special Rapporteur - in the form of this written statement - the "Urgent Appeal" delivered to the High Commissioner for Human Rights on 26 June 2002. It is a brief analysis of what is commonly called "Suicide-bombings," but which, in fact, should be understood and correctly designated as Martyrdom-bombings or *Jihad*ist-bombings.

URGENT APPEAL TO THE HIGH COMMISSIONER FOR HUMAN RIGHTS — Mrs Mary Robinson
26 June 2002

"MARTYRDOM-BOMBINGS"/"JIHADIST-BOMBINGS"

In your recent comment in the *Los Angeles Times* ("After Sept. 11: Human Rights are as important as ever," republished in the *International Herald Tribune*, 21 June 2002), you reaffirmed, inter alia, in relation to the coming into force of the statute of the International Criminal Court:
"*The Sept. 11 attacks were mainly aimed at civilians. They were ruthlessly planned, and their execution timed to achieve the greatest loss of life. Their scale and systematic nature qualify them as crimes against humanity within existing international jurisprudence. There is a duty on all states to find and punish those who plan and facilitate such crimes.*"

On 15 March 2002, at the Palais des Nations, you addressed the Organisation of Islamic Conference Symposium on Human Rights in Islam, and you stated, *inter alia*:
"*This Symposium can help put to rest misconceptions about Islam. Education and information are key elements in combating intolerance and bigotry. [...] No one can deny that at its core Islam is entirely consonant with the principle of fundamental human rights, including human dignity, tolerance, solidarity and equality. Numerous passages from the Qur'an and sayings of the Prophet Muhammad will testify to this. [...] And no one can deny the acceptance of the universality of human rights by Islamic States. [...] Islamic communities need to become more active in countering ignorance through offering positive information on Islamic beliefs. Prejudice and misperception feed on ignorance and this needs to be confronted, especially through the mass media, with the truth. Muslims themselves have a key role in such efforts and I encourage thinking on how this can be done*

The 57 Member Countries of the OIC are currently meeting in Khartoum (Sudan) at their 29th ordinary ministerial session (25-27 June), whose theme is "Solidarity and Dialogue."

In this context, we wish to draw your attention to an important historical fact: the term "suicide bomber" to designate the perpetrators of the 11 Sept. horrors - and all other such religiously-inspired crimes against humanity - is basically flawed in Islamic jurisprudence.

An eminent scholar and English translator of Ibn Khaldoun's *The Muqaddimah* wrote:
"[T]*he great authorities of the hadit leave no doubt as to the official religious attitude of Islam. In their opinion suicide is an unlawful act.* [...] *On the other hand, death as the result of "suicidal" missions and of the desire for matyrdom occurs not infrequently, since death is considered highly commendable according to Muslim religious concepts. However, such cases are no*[t] *suicides in the proper sense of the term.*"
(Franz Rosenthal: "On Suicide in Islam" in *Journal, American Oriental Society* (1946) 66: 243, 256)

This scholarly assessment was confirmed on 4 April 2002 by the highest recognized spiritual leader in the Muslim Sunni world, who thereby reversed the position he had reportedly taken at the 21 January 2002 "Alexandria Declaration at the Conference of Religious Leaders of the Holy Land":

"*The great Imam of Al-Azhar, Sheikh Muhammad Sayyed Tantawi, demanded that the Palestinian people, of all factions, intensify the martyrdom operations against the Zionist enemy, and described their martyrdom as the highest form of jihad. He says that the young people executing them have granted Allah the most precious thing. He emphasized that every martyrdom operation against any Israeli, including women, children and teenagers, is a legitimate act according to religious law, and an Islamic commandment...*"

www.lailatalqadr.com/stories/n040401.shtml (4 April 2002); English trans. in MEMRI report of 8 April 2002. Special Dispatch-Egypt/Jihad & Terrorism Studies, 7 April, N° 363/www.memri.org]

This declaration appears to align the position of Sunni Islam with that of Shi'a Islam today -on "martyrdom" as the highest form of the *jihad*-war. One recent example will suffice. On 5 April 2002 (Friday prayers, Teheran University), Iran's spiritual leader Ayatollah Ali Khamanei declared: "*Anyone who chooses the way of Allah and becomes a martyr remains - his legacy and personality remain...But anyone who does not follow the path of self-sacrifice - his body may remain several mornings, but his personality and identity will vanish.*"(MEMRI Spec. Dispatch-Iran,10/4/02 N°365)

For a recent secular comment, Dr. Iyad Sarraj, a Palestinian psychiatrist in Gaza City, stated, "*They are creating a new kind of culture.(...) Once you create such a culture, you create something automatic." (...) even he could not challenge the social acceptance of this ideal by directly criticizing the martyrs themselves. "You can say, 'I condemn terror, I condemn killing civilians,' but you can't say, 'I condemn martyrs,' because martyrs are prophets.*"(James Bennet "The New Suicide Bombers: Larger and More Varied Pool," *New York Times*, 21 June; abridged, in the *IHT* of 22-23 June 2002)

As a confirmation of Dr. Sarraj's statement, on 19 June 2002 the Palestinian daily *Al-Quds* (English trans. in the PA's *The Jerusalem Times*, 20 June) carried "A Palestinian Communiqué Against Martyrdom Attacks," and again on 21 June, when it had been signed by 315 prominent Palestinians, including Sari Nusseibeh and Hanan Ashrawi. It stated that it "*was published with funding provided by the European Union for the popular peace campaign*". But this communiqué -strongly criticized by Hamas on its website, and elsewhere - does not condemn the "martyrdom attacks" on civilians, either on ethical or religious grounds. The concluding paragraph makes the main, pragmatic point: "*Military operations can be judged to be positive or negative only by the extent to which they realize political goals.*"

At various meetings in Beirut, Cairo, and Kuala Lumpur in April 2002, the Arab League and the OIC did not condemn "martyrdom-bombings"/"jihadist-bombings," nor since. On the contrary, art. 10 of the Kuala Lumpur "Declaration on International Terrorism" (3 April) does not even define terrorism, as we pointed out in a Statement to the UNCHR on 18 April (pm). Yet, article 4 states: "*We affirm our commitment to the principles and true teachings of islam, which abhore aggression, value peace, tolerance and respect, as well as prohibiting the killing of innocent people.*"

Before "martyrdom-bombings," based on an "ideology of jihad," become contagious globally, we call on you, in your capacity as High Commissioner for Human Rights, to address urgently this grave matter on this occasion of the OIC's Khartoum "Solidarity and Dialogue" meeting. On 15 March your Statement to the OIC Human Rights Symposium concluded thus:

"We need to reflect on a common challenge. How do we move from the conceptual discussion of respect for human dignity and fundamental rights to the plane of implementation? At the national level, how do we institutionalise human rights protections within the framework of accepted human rights standards. These are but two of the issues that more dialogue and more understanding can fruitfully address."

The Association for World Education strongly believes that this very grave issue of "martyrdom-bombings"/"jihadist-bombings" (misnamed "suicide-bombings"/suicide bombers") can no longer be avoided. All Muslim leaders, both spiritual and secular, particularly the OIC, should speak out unequivocally in order to make it crystal clear to the world - to Muslims and non-Muslims alike - that, today, such a religious interpretation of this historical "jihad-war ideology" is in total contradiction with both the International Bill of Human Rights and with Humanitarian Law. This "Culture of Hate"-"Culture of Death" must be outlawed now.

René Wadlow
(Main Representative)

David Littman
(Representative)